

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OI EUROPEAN GROUP B.V.,

Petitioner,

1:15-cv-02178 (ALC)

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Respondent.

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE

Petitioner, OI European Group B.V., responds to this Court's Order to Show Cause [Dkt. No. 55]. Petitioner agrees that the Second Circuit's decision in *Mobil Cerro Negro, Ltd. v. Bolivarian Republic of Venezuela*, 863 F.3d 96 (2d Cir. 2017), is controlling, and that under *Mobil* it would be appropriate for the Court to enter an order dismissing this case without prejudice pursuant to 28 U.S.C. § 1391(f).

Petitioner is aware that Respondent, which has never answered, filed its "Motion for Final Judgment" [Dkt. No. 56] late on April 24, 2018. In light of the prayer for relief in the motion, it appears that Respondent is actually seeking dismissal, as opposed to "judgment," and so it appears that this Motion would become moot upon entry of an order by the Court dismissing the action. Should Respondent's motion not be mooted by an intervening order from this Court dismissing the action without prejudice, Petitioner will file an opposition pointing out the reasons that "final judgment" would be inappropriate in this case.

Dated: New York, New York
April 26, 2018

/s/ Timothy B. DeSieno

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2018, I caused this document to be electronically filed with the Clerk of the Court of the U.S. District Court for the Southern District of New York by using the CM/ECF system, which will automatically generate and serve notice of this filing to all counsel of record. I further certify that I am not aware of any party who will not receive such notice.

Dated: April 26, 2018

/s/ Timothy B. DeSieno
Timothy B. DeSieno